

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|--|---|-----------------------|
| SCOTT RUFFING, et al/ | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | NO. 02-CV-4422 |
| vs. | : | |
| | : | |
| KALMAR INDUSTRIES, U.S.A., INC., et al/ | : | |
| Defendant | : | |

ORDER

AND NOW, this 2nd day of July, 2003, upon consideration of the Defendant Transportation Equipment Services, Inc.'s Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) (Document No. 16) and the Stipulation of Dismissal dismissing the action as to the defendant Transportation Equipment Services, Inc. (Document No. 25), it is **ORDERED** that the motion is **DENIED AS MOOT**.

BY THE COURT:

TIMOTHY J. SAVAGE, J.